

REMARKS

This Amendment is being filed in response to the Office Action dated September 24, 2003. Reconsideration and allowance of the application in view of the amendments made above and the remarks to 27 are pending in this application. Claims 17 and 25 are independent claims.

In the Office Action, Claims 23, 24, 26, and 27 are rejected under 35 U.S.C. §112, first paragraph as containing subject matter not contained in the specification. Claims 17-22 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,311,175 to Waldman ("Waldman"). Claims 17-22 are rejected under the judicially created doctrine of obviousness - type double patenting as unpatentable over Claim 1 of U.S. Patent No. 5,923,267.

In response to the double patenting rejection, a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) is enclosed herewith. Accordingly, the Applicant respectfully requests that this ground for rejection be withdrawn.

With regard to the 112, first paragraph rejection, it is respectfully traversed. It is respectfully submitted that the specification well supports the features as claimed. Specifically, on page 3, lines 3-5, it is stated that "[s]ince the device with a human-machine interface is arranged such that

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the indication is temporary, some time after the actuation the indication will no longer be perceptible." On page 5, lines 18 - 21, it is stated that "[i]n a further embodiment of the device with user control interface according to the invention, it is arranged for disclosing a further indication on the function when actuation of the control organ is not detected within a further predetermined period of time ...". Further on page 7, lines 10-13, it is stated that "[t]o prevent the user from being unnecessarily distracted by the mechanism for giving this indication ... [i]t is made available temporarily, only for a limited time after detection of impending actuation of the control organ ...". These are further disclosed elsewhere in the specification including on page 11, lines 9-25. It is therefore respectfully submitted that the specification does describe the subject matter contained in the claims. Accordingly, it is respectfully requested that the 35 U.S.C. 112 rejections of Claims 23, 24, 26, and 27 be withdrawn.

The Applicants appreciate the indication that Claim 25 is allowed and that providing an identification of the function of the element upon the passage of time "may account for allowable subject matter ...". (See, the Office Action, page 4, Response to Arguments.

The Claims are amended in accordance with this indication. Accordingly, it is respectfully submitted that each of Claims 17
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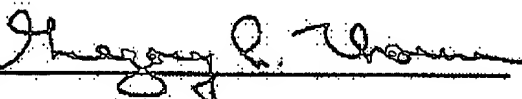
and 25 are allowable over Waldman and an indication to that effect is respectfully requested.

Claims 18 -24 and 26 -27 respectively depend from one of Claims 17 and 25 and accordingly are allowable for at least these reasons as well as for the separately patentable elements contained therein. Accordingly, separate consideration of each of Claims 18-24 and 26-27 is respectfully requested.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Early and favorable action is earnestly solicited.

Respectfully submitted,

By 

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